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Wright

April 12, 1978

Honorable Tim Hayes
State Senator
State Capitol, Senate Wing
Phoenix, AZ 85007

Honorable Stanley N. Akers
State Representative
State Capitol, House Wing
Phoenix, AZ 85007

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RE: 78-72 (R78-75 and R78-83)

Gentlemen:

You have requested our opinion concerning whether a Comprehensive Employment and Training Act ("CETA") employee, required to attend Army Reserve summer training, is entitled to certain job-related protections for public employees, including pay from his employer while attending such training.

The answer is controlled by 29 CFR §§94-99--which contain the federal regulations concerning CETA employees--and by A.R.S. §38-610 and A.C.R.R. R2-5-51--the statute and administrative regulation relating to military leave.

29 CFR §98.24, entitled "Federal benefits and working conditions for program participants," contains the following provision:

(b) Each participant in an on-the-job training, work experience, or public service employment program shall also be assured of . . . other benefits at the same levels and to the same extent as other employees similarly employed. . . .

CETA employees thus are entitled to the same level of employment benefits as non-CETA employees in the same job.

The statute which generally prescribes the conditions of federal military leave from government employment, A.R.S. §38-610, states:

Messrs. Hayes and Akers

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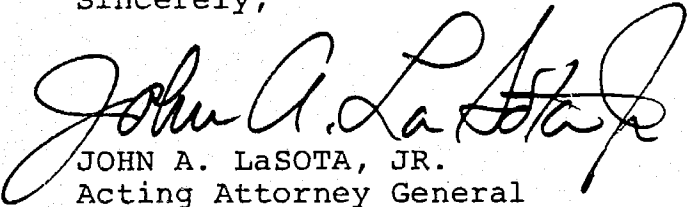
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The officers and employees of the state, or of any county, city or town, or of any agency or political subdivision thereof, shall be granted leaves of absences from their duties without loss of time, pay or efficiency rating, on all days during which they are employed on training duty under orders from any branch of the armed forces of the United States, for a period not to exceed fifteen days in any one calendar year.

The administrative regulation, A.C.R.R. R2-5-51, parallels the statute.

Consequently, CETA employees are entitled to full pay and other benefits while attending summer training in the Army Reserves for up to and including fifteen days in any calendar year.

Sincerely,


JOHN A. LaSOTA, JR.
Acting Attorney General

JAL/amr